

03500.004756.11

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
HAYAO OHZU, ET AL.) Examiner: Unassigned
Application No.: 10/656,825) Group Art Unit: 2612
Filed: September 8, 2003)
For: SOLID STATE IMAGE PICKUP)
APPARATUS : January 6, 2004

MAIL STOP PATENT APPLICATION

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CONFIRMATION/CLARIFICATION OF CLAIM TO PRIORITY

Sir:

Applicants submit the present paper to correct an inadvertent error in the utility patent application transmittal form submitted with the subject application, and to confirm/clarify the claim to priority made in the subject application.

On September 8, 2003, Applicants filed the present divisional application under 37 CFR § 1.53(b). The present application is a divisional application of Application No. 09/040,275 filed March 18, 1998. The present application papers include a Utility Patent Application Transmittal, a Preliminary Amendment and Letter Forwarding Substitute Specification, an Information Disclosure Statement and an Application Data sheet. Applicants claim to priority is correctly set forth in each of the Preliminary Amendment, the Substitute Specification, and the Application Data Sheet submitted with the application papers. However, in preparing the Utility Patent Application Transmittal sheet, Applicants' attorney inadvertently and erroneously referenced a sister divisional

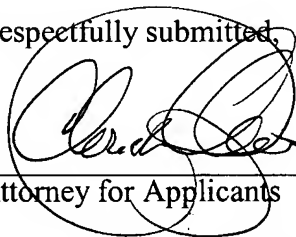
Application No. 10/122,722. A copy of a corrected Utility Patent Application Transmittal sheet and a marked-up copy indicating the inadvertent erroneous error are attached hereto.

Applicants respectfully request that the corrected Utility Patent Application Transmittal be substituted for the original Utility Patent Application Transmittal sheet, and that the Applicants' claim to priority be clarified as correctly set forth in the Preliminary Amendment, the Substitute Specification, the Application Data Sheet and the corrected Utility Patent Application Transmittal (submitted herewith). Specifically, Applicants request that any reference to copending sister Application No. 10/122,722 be deleted from Applicants' claim to priority in the present application.

Applicants believe that no fee is necessitated by the filing of the present paper. Nevertheless, if required the Commissioner is authorized to treat the subject paper as a petition and to charge any fee necessitated by the filing of the present paper to Deposit Account No. 06-1205.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



Attorney for Applicants

Registration No. 32,078

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

CPW\gmc

DC_MAIN 154197v1

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

03500.004756.11

First Named Inventor or Application Identifier

HAYAO OHZU, ET AL.

Express Mail Label No.

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

1. ☒ Fee Transmittal Form
(Submit an original, and a duplicate for fee processing)

2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.

3. ☒ Specification Total Pages

4. ☒ Drawing(s) (35 USC 113) Total Sheets

5. ☒ Oath or Declaration Total Pages

a. ☐ Newly executed (original or copy)

b. ☒ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 17 completed)

i. ☐ **DELETION OF INVENTOR(S)**
Signed Statement attached deleting
inventor(s) named in the prior application, see
37 CFR 1.63(d)(2) and 1.33(b).

6. ☒ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer
Program (Appendix)

8. ☐ Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)

a. ☐ Computer Readable Form (CRF)

b. Specification Sequence Listing on:

i. ☐ CD-ROM or CD-R (2 copies); or

ii. ☐ paper

c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))

10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)

11. ☐ English Translation Document (if applicable)

12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☒ Copies of IDS
Citations

13. ☒ Preliminary Amendment

14. ☐ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)

15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)

16. ☒ Other: Substitute Specification and copy of marked-up
version of specification

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

☐ Continuation

☒ Divisional

☐ Continuation-in-part (CIP) of prior application No. 09/040,275

Prior application information:

Examiner: L. Nguyen

Group/Art Unit: 2612

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

05514

(Insert Customer No. or Attach bar code label here)

or ☐ Correspondence address below

NAME

Address

City

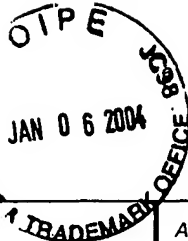
State

Zip Code

Country

Telephone

Fax



JAN 06 2004

UTILITY PATENT APPLICATION TRANSMITTAL

only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

03500.004756.11

First Named Inventor or Application Identifier

HAYAO OHZU, ET AL.

Express Mail Label No.

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-14501. ☒ Fee Transmittal Form
(Submit an original, and a duplicate for fee processing)2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.3. ☒ Specification Total Pages 4. ☒ Drawing(s) (35 USC 113) Total Sheets 5. ☒ Oath or Declaration Total Pages a. ☐ Newly executed (original or copy)b. ☒ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 17 completed)i. ☐ **DELETION OF INVENTOR(S)**
Signed Statement attached deleting
inventor(s) named in the prior application, see
37 CFR 1.63(d)(2) and 1.33(b).6. ☒ Application Data Sheet. See 37 CFR 1.767. ☐ CD-ROM or CD-R in duplicate, large table or Computer
Program (Appendix)8. ☐ Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)a. ☐ Computer Readable Form (CRF)

b. Specification Sequence Listing on:

i. ☐ CD-ROM or CD-R (2 copies); orii. ☐ paperc. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)11. ☐ English Translation Document (if applicable)12. ☒ Information Disclosure ☒ Copies of IDS
Statement (IDS)/PTO-1449 Citations13. ☒ Preliminary Amendment14. ☐ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)16. ☒ Other: Substitute Specification and copy of marked-up
version of specification

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:



Continuation



Divisional

Continuation-in-part (CIP) of prior application No. 10,122,722

09/040,275

Prior application information:

Examiner: Unassigned Group/Art Unit: 2612L. Nguyen

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18. CORRESPONDENCE ADDRESS



Customer Number or Bar Code Label

05514

(Insert Customer No. or Attach bar code label here)



Correspondence address below

NAME

Address

City

State

Zip Code

Country

Telephone

Fax



CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c))	6-20 =	0	X \$ 18.00 =	\$ 0
	INDEPENDENT CLAIMS (37 CFR 1.16(b))	1-3 =	0	X \$ 84.00 =	\$ 0
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			\$280.00 =	\$
				BASIC FEE (37 CFR 1.16(a))	\$750.00
			Total of above Calculations =		\$750.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28).				
	TOTAL =				\$750.00

19. Small entity status

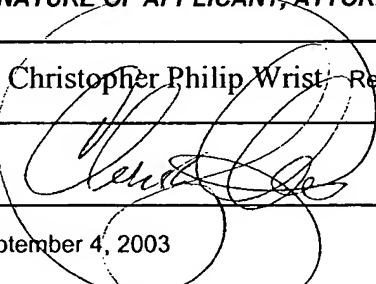
- a. ☐ A small entity statement is enclosed
- b. ☐ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c. ☐ Is no longer claimed.

20. ☒ A check in the amount of \$750.00 to cover the filing fee is enclosed.

21. ☐ A check in the amount of \$ _____ to cover the recordal fee is enclosed.

22. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 06-1205:

- a. ☒ Fees required under 37 CFR 1.16.
- b. ☒ Fees required under 37 CFR 1.17.
- c. ☐ Fees required under 37 CFR 1.18.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED	
NAME	Christopher Philip Wrist, Reg. No. 32,078
SIGNATURE	
DATE	September 4, 2003

CPW\gmc

DC_MAIN 143262v1